



Fremont City Council

3300 Capitol Avenue
Fremont, CA 94538

SCHEDULED

Meeting: 07/08/14 07:00 PM
Div/Dept: Planning
Category: Development Project

STAFF REPORT (ID # 2070)

Sponsors:
DOC ID: 2070

PALM AVENUE PLANNED DISTRICT - ±7-ACRE SITE LOCATED APPROXIMATELY 750 FEET EAST OF PALM AVENUE AND NORTH OF INTERSTATE I-680 - (PLN2014-00020) - Public Hearing (Published Notice) to Consider the Planning Commission's Recommendation to Introduce an Ordinance for a City-Initiated Rezoning from R-1-10 (Single-Family Residence District) to Planned District P-2014-020 to allow the development of 31 single-family homes, and to consider a Draft Mitigated Negative Declaration prepared in accordance with the requirements of the California Environmental Quality Act (CEQA).

Contact Persons:

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Executive Summary: The City Planning Manager has initiated the Rezoning of ±7 acres of City-owned land located approximately 750 feet east of Palm Avenue and north of Interstate 680 (I-680) from R-1-10 (Single-Family Residence District) to Planned District P-2014-020 to facilitate the future development of 31 single-family homes.

On October 8, 2013, the City Council adopted Resolution No. 2013-63, which designated the project site as surplus property (unneeded for future use by the City) and authorized the sale and disposition of the land to help fund City initiatives in the Downtown and Warm Springs Districts. Rezoning of the property to a Planned District is proposed to direct future development of the land to ensure consistency with the development pattern in the surrounding neighborhood of single-family residences. On June 12, 2014, the Planning Commission voted to recommend approval of the proposed Planned District based on findings and subject to conditions. Refer to Background section below for further discussion of the Planning Commission meeting.

BACKGROUND:

Previous Actions:

In 1999, the City purchased 19.8 acres of land at Palm Avenue, adjacent to I-680, for park purposes. At the time of the purchase, the site was considered to be one of the City's last opportunities to accommodate a citywide community park that supported lit athletic fields. Subsequent to the acquisition of the Palm Avenue site, the City acquired a superior site for athletic fields at the west end of Auto Mall Parkway, near Pacific Commons. The Pacific Commons site was determined to be a superior site for athletic fields because it was located further from residential users that could potentially be impacted by the operation of athletic fields.

On June 18, 2013, the City Council adopted Resolution No. 2013-40 to abandon ±7 acres of the eastern portion of the Palm Avenue site as parkland. This portion of the Palm Avenue site was determined by the City Council to be not "appropriate, convenient or necessary" for

park purposes because the site was no longer planned to be used for athletic fields. The City Council determined that the remaining 12.8 acres was a sufficient size to support the development of a community park without athletic fields. On October 8, 2013, the City Council adopted Resolution No. 2013-63, which designated this land as surplus property (unneeded for future use by the City) and authorized the sale and disposition of the land to help fund City initiatives in the Downtown and Warm Springs Districts.

Project Site:

The City-owned Palm Avenue site is comprised of four separate parcels. Following the adoption of the proposed Planned District, the City Planning Manager will initiate a Parcel Map to consolidate the site into two parcels; one parcel will consist of the ±7 acres of land that has been designated as surplus property (hereinafter referenced in this staff report as the "project site"), and the other parcel will consist of the 12.8 acres of land that will be retained by the City for future park development (hereinafter referenced in this staff report as the "future park site").

The City is currently leasing the project site to Four Winds Growers, a commercial dwarf citrus nursery. Four Winds Growers has operated at the project site, and surrounding properties, since 1956, but is planning to relocate to Watsonville, California. No buildings or significant landscape features exist at the project site which would interfere with future development. The majority of the project site is covered by rows of containerized citrus plants, which would be removed when the business relocates.

Planning Commission Meeting:

On June 12, 2014, the Planning Commission voted 6-0-1 (one Planning Commissioner absent) to recommend approval of the proposed Planned District to the City Council. At the meeting, the Planning Commission asked staff about procedures for review of future entitlements, the rationale for creating a Planned District, and freeway noise mitigation. Staff responded that a Tentative Tract Map and Design Review Permit would be necessary to develop the property in the future, and that both of those applications would be under the Planning Commission's purview. Staff explained that the Planned District would provide the future buyer/developer of the site with more certainty regarding its development potential and would ensure that a future project would be consistent with adjacent development. Staff clarified that a future developer would need to amend the Planned District if it wished to build a different or modified project. Staff also explained that the construction of a freeway sound wall could not be imposed as a mitigation measure without the prior consent of Caltrans, which was infeasible at this conceptual stage. In addition, staff mentioned that the City Council exercised its discretion to raise the maximum acceptable rear yard noise level from an Ldn of 60 dB(A) to an Ldn of 65 dB(A) for the adjacent Mission Creek development, and that the proposed project would have similar noise levels.

DISCUSSION/ANALYSIS:**Project Description:**

The proposed Planned District would permit the development of 31 new detached single-family homes on the project site, and impose Regulations and Design Guidelines (Exhibit "D") to direct future development of the site to be consistent with the development intensity and pattern in the surrounding single-family residential neighborhood.

Approximately 16.3 acres of land immediately to the east and to the north of the project site was Rezoned to Planned District P-2012-109 in 2012 for the development of 41 new detached single-family homes (hereinafter referenced in this staff report as the "Mission Creek Development"). The Mission Creek Development has been entitled and is anticipated to be constructed in the near future. Access to the project site would be through a public street (Four Winds Avenue) in the Mission Creek Development. The Regulations and Design Guidelines (Exhibit "D") for Planned District P-2014-020 have been designed so that the density of development, architecture, landscape features, street layout and other design features of future development would be consistent with and integrated into the planned Mission Creek Development, creating a unified, cohesive neighborhood of single-family homes.

If the proposed Planned District is approved, future development of the site would require Planning Commission approval of a Tentative Tract Map and a Design Review Permit.

Project Analysis:

General Plan Conformance

The proposed Planned District would be consistent with the following General Plan policies:

LAND USE POLICY 2-2.5: Zoning and Subdivision Regulations - Use zoning and subdivision regulations to direct the city's growth, ensure sufficient opportunities for new development, improve Fremont's quality of life, create complete neighborhoods, reduce nuisances, achieve compatibility between adjacent properties and uses, address land use conflicts, and protect the health and safety of residents, visitors, and workers.

IMPLEMENTATION 2-2.5.F: Planned (P) District - Use Planned Development (P) zoning to provide flexibility in application of the zoning code, encourage more desirable site planning outcomes, or achieve particular mixes of land uses or unit types. Within mixed use areas, P District zoning may be used to indicate sites or portions thereof on which housing or commercial is a required land use.

COMMUNITY CHARACTER POLICY 4-3.14: Planned Districts - Allow Planned Districts (PDs) as a way to achieve design excellence and innovation and to respond to site constraints and natural features. Planned districts—or PDs—allow development to depart from conventional zoning and street standards, land uses and/or dwelling types in order to achieve a product that is more attractive and sustainably designed. The overall number of housing units or square footage is determined by zoning, but the distribution or density of those units around the site can vary from traditional standards. This can encourage design solutions that are more responsive to natural terrain and nearby land uses.

- **Analysis:** The proposed Planned District zoning would facilitate compatibility between existing and proposed development. The Regulations and Design Guidelines of the proposed Planned District would ensure that the density, architecture and site layout would be compatible with the adjacent Mission Creek Development.

The proposed Planned District would encourage desirable site planning by requiring the placement of a street between future homes and the adjacent freeway (I-680), which would cluster homes further away from the potential noise and air quality

impacts of I-680. The homes closest to I-680 would also be oriented with rear yards facing away from the freeway to minimize noise impacts in private rear yard areas.

Flexibility of zoning requirements is appropriate for this project because the irregular shape of the project site requires the construction of curved roadways and a cul-de-sac to efficiently organize the lots on the site. The curved roadways and cul-de-sac create irregularly shaped lots, which make it difficult to achieve minimum lot width and street frontage requirements on every parcel based on conventional zoning. The proposed Planned District would allow flexibility in lot width requirements to facilitate efficient placement of lots on the project site.

LAND USE POLICY 2-3.7: Green Neighborhoods - *Integrate open space, parks, street trees, landscaping, and natural features into Fremont's neighborhoods to enhance their visual quality and improve access to nature and recreation. The maintenance and improvement of Fremont's parks, greenbelts, medians, flood control channels, urban forest, and other "green" features should be seen as an important part of the City's efforts to address climate change by utilizing trees to sequester carbon from the atmosphere.*

MOBILITY POLICY 3-2.3 Pedestrian Networks - *Integrate continuous pedestrian walkways in Fremont's City Center, Town Centers, residential neighborhoods, shopping centers, and school campuses. Place a priority on improving areas that are not connected by the City's pedestrian network, with the objective of making walking safer, more enjoyable, and more convenient.*

- **Analysis:** The project would be consistent with the above stated policies because the project would create a pedestrian connection between the project site and the adjacent future City park site. The project would also provide a pedestrian connection between the project site and the open space area which would be created within the Mission Creek Development.

CONSERVATION POLICY 7-7.3: Land Use Planning To Minimize Health Impacts From Toxic Air Contaminants - *Coordinate land use planning with air quality data and local transportation planning to reduce the potential for long-term exposure to toxic air contaminants (TAC) from permanent sources that affect the community.*

IMPLEMENTATION 7-7.3.C: Incorporate TAC Controls with New Development - *New development projects with sensitive receptors within 1000 feet of a freeway or major TAC source shall assess the TAC health risk for the site and incorporate, to the maximum extent feasible, risk reduction measures to reduce exposure to TAC. Risk reduction measures may include, but not limited to, project phasing, site orientation, distance separations, landscape buffering, building air filtration systems, modified building design or building type, or off-site improvements at a TAC source.*

- **Analysis:** The project would be consistent with the above stated policy and implementation because the Planned District would require toxic air contaminant (TAC) controls to mitigate potential air quality impacts from the adjacent freeway. Such controls include the use of heavy landscape buffering and screening along the freeway to absorb contaminants, and site plan orientation.

SAFETY POLICY 10-8.1: Site Development Acceptable Noise Environment - *A noise environment which meets acceptable standards as defined by the State of California Building Code and local policies contained herein.*

IMPLEMENTATION 10-8.1.A: Noise Standards - *New development projects shall meet acceptable exterior noise level standards. The "normally acceptable" noise standards for new land uses established in Land Use Compatibility for Community Exterior Noise Environments shown in Figure 10-11 shall be used as modified by the following:*

The goal for maximum acceptable noise levels in residential areas is an Ldn of 60 dB(A). This level shall guide the design of future development, and is a goal for the reduction of noise in existing development. A 60 dB(a) Ldn goal will be applied where outdoor use is a major consideration (e.g., backyards in single family developments and recreation areas in multifamily projects). The outdoor standard will not normally be applied to small decks associated with apartments and condominiums, but these will be evaluated on a case-by-case basis. When the City determines that providing an outdoor Ldn of 60 dB(A) or lower cannot be achieved after the application of appropriate mitigations an Ldn of 65 dB(A) may be permitted at the discretion of the City Council.

- **Analysis:** The project would generally comply with this policy and implementation; however, there are locations of the site closest to I-680 that would exceed 60 dB(A), up to 65 dB(A) in the rear yard areas. Per Implementation 10-8-1.A, when the City determines that providing an outdoor Ldn of 60 dB(A) or lower cannot be achieved after the application of appropriate mitigations an Ldn of 65 dB(A) may be permitted at the discretion of the City Council. The only mitigation that has been identified that would provide a sound reduction to 60 dB(A) throughout the site is the construction of a sound wall along I-680 within California Department of Transportation (Caltrans) right-of-way. Since the future developer would not have the authority to construct a sound wall at this location without the approval of Caltrans, staff did not recommend this mitigation. Instead, staff is recommending approval of the site plan as proposed with noise levels up to 65 dB(A) as substantially conforming to this General Plan policy because sound levels are similar to adjacent approved residential development, disclosure would be provided to future buyers, and partially enclosed rear yard "patio" areas would be required for each home to provide private rear yard area that is less impacted by noise.

Zoning Regulations

Pursuant to FMC Section 18.110.020(d)¹, standards for area, coverage, density, yard requirements, parking and screening for Planned Districts shall be governed by the standards of the zoning district most similar in nature and function to the proposed Planned District. The proposed Planned District has been determined to be most similar to the R-1-6 (Single-Family Residence) zoning district. Future homes developed under the proposed Planned District would generally follow the building development standards of the R-1-6 zoning district, with several deviations. The design analysis below discusses all proposed deviations.

¹ Because the proposed application was deemed complete prior to the effective date of the revised Planned District regulations, references to the FMC in this report are to the regulations in effect at that time.

- *Lot Size*
The Planned District would permit varied lots sizes between 6,000 and 9,270 square feet with an average lot size of 6,489 square feet; this conforms with the 6,000 square foot minimum lot size requirement for the R-1-6 Zoning District.
- *Lot Width, Depth and Frontage*
The R-1-6 standard is 55 feet for lot width (65 feet for corner lots), 100 feet for lot depth, and 35 feet for lot frontage. The irregular shape of the project site requires the construction of curved roadways and a cul-de-sac to efficiently organize the lots on the site. The curved roadways and cul-de-sac would create irregularly shaped lots, which make it difficult to achieve the required lot width and frontage on every parcel. The Planned District would permit lot widths of as low as 25 feet and lot frontages as low as 20 feet to accommodate the curved roadways. The reduction in minimum parcel width would apply to Lots 6-7, 9, 18-19, 21-25 and 31, and the reduction in minimum street frontage would apply to lots 22-25, as shown in Exhibit "D".
- *Front Yard Depth*
The R-1-6 standard for front yard depth is 20 feet. The Planned District would require front yard depths of at least 20 feet for garages, and at least 10 feet for the homes. These setbacks would be consistent with the setbacks for the adjacent Mission Creek Development. Staff believes the deviations to standard front yard setbacks are warranted in order to maintain the same development pattern and preserve the character of the neighborhood.
- *Side Yard Depth*
The R-1-6 standard for two story homes is a minimum of five feet to the property line and a total of 12 feet between homes for first stories, and six feet to the property line and a total of 15 feet between homes for second stories. The Planned District would require side yards of at least five feet and a total of 10 feet for first and second stories. These setbacks would be consistent with the setbacks for the adjacent Mission Creek Development. Staff believes the deviations to standard front yard setbacks are warranted in order to maintain the same development pattern and preserve the character of the neighborhood.

The R-1-6 standard for side yard depth on corner lots is a minimum of ten feet to the property line. The Planned District would not modify this requirement.
- *Rear Yard Depth*
The R-1-6 standard for rear yard depth is 25 feet. The proposed Planned District would maintain this setback requirement.
- *Building Height*
The R-1-6 standard is 30 feet. Future buildings would be required to comply with this standard.
- *Parking*
The project would provide two covered garage spaces and two uncovered driveway spaces per lot for a total of 62 covered and 62 uncovered off-street parking spaces in

compliance with the minimum parking standards required of per FMC Section 18.183.030. The project would also have adequate roadway widths to provide on-street parking.

- ***Affordable Housing***
The future developer would be required to comply with the City's Affordable Housing Ordinance (codified as FMC Chapter 18.155).

Design Analysis

Architecture

The proposed Planned District would guide the design of future homes to be consistent with the design of homes of the adjacent approved Mission Creek Development. The proposed Planned District would impose the following design and development standards to ensure consistency with homes in the Mission Creek Development:

- Maximum two-stories in height
- Maximum four bedrooms
- Maximum floor area ratio of 0.75
- Requirement that floor area of the second floor cannot exceed 100 percent of the floor area of the first floor, not including the garage
- Requirement that second floors are stepped back on portions of the front and side of buildings
- Required two-car garage
- Required concrete "S" tile roof
- Maximum 4:12 roof pitch
- Required single-story roof feature breaking up the massing between the first and second floor
- Minimum of four different model types utilized throughout the subdivision with varied roof forms, articulation, and massing
- Minimum of two exterior wall cladding materials, one primary and one secondary
- Required single-story front porch elements that are clearly identifiable and articulated
- Required architectural detailing, such as shutters, pot shelves, bay windows, awnings, columns, exposed rafters, enhanced sills, and wrought iron railings
- Required rear yard patio area of at least 250 square feet in size, enclosed on three sides, and roofed

Circulation

Access to the project site would be through Four Winds Avenue, which is a planned, but not yet constructed roadway that would connect to Palm and San Marco Avenues. Four Winds Avenue would be constructed as part of the adjacent Mission Creek Development (refer to Informational Enclosure 3 – Mission Creek Development Site Plan). Once the roadway is constructed, the City would accept Four Winds Avenue as a public roadway. A cul-de-sac and two new streets would be constructed as part of the proposed project which would connect to Four Winds Avenue to provide street frontage for the proposed single-family residences. The new streets would create a loop around the perimeter of the project site, leading from Four Winds Avenue, to the freeway sound wall, and back to Four Winds Avenue. Several of the new single-family residences would front on Four Winds Avenue. Development of the project site cannot occur until Four Winds Avenue is constructed.

An emergency vehicle access easement (EVAE) would be recorded against City and San Francisco Public Utilities Commission (SFPUC) owned land west of the project site to provide a secondary point of access to the neighborhood in the event of an emergency. The EVAE would be located along the I-680 sound wall and would connect to Palm Avenue. A pedestrian entrance would be installed at the location of the EVAE to provide a pedestrian link between the new community and the planned City park site west of the project site.

Noise Environment

The Noise Element of the General Plan states that new development projects shall meet acceptable exterior noise level standards in areas where outdoor use is a major consideration, such as backyards. The "normally acceptable" noise standard for residential areas is an Ldn of 60 dB(A).

The project would generally comply with the Noise Element except that there would be some rear yard locations of the site closest to I-680 that would exceed 60 dB(A), up to 65 dB(A). However, General Plan Noise Element Implementation 10-8-1.A, provides the City Council the discretion to increase the acceptable exterior noise level to an Ldn of 65 dB(A) when finding that an outdoor Ldn of 60 dB(A) or lower cannot be achieved after the application of appropriate mitigations. The only mitigation that has been identified that would provide a sound reduction to 60 dB(A) throughout the site is the construction of a sound wall along I-680 within Caltrans right-of-way. Since the future developer would not have the authority to construct a sound wall at this location without the approval of Caltrans, staff did not recommend this mitigation. Instead, staff is recommending approval of the site plan as proposed with noise levels up to 65 dB(A) as substantially conforming to this General Plan policy because this noise level was also adopted for the adjacent Mission Creek Development, disclosure would be provided to future buyers, and the Planned District would require construction of partially enclosed "patio" areas in the rear yards of buildings to provide a private area that is less impacted by noise. Substantial vegetation would also be required along the freeway to additionally screen freeway noise.

The General Plan Noise Element also establishes a maximum acceptable indoor noise level of Ldn 45 dB(A). The future developer of the project would be required to install noise reducing features, as necessary, to meet this noise threshold in every home.

Open Space/Landscape Design

The proposed Planned District would require the planting of a dense row of redwood trees, or a similar species, along I-680 to assist in screening noise and air contaminants. Trees would also be required to be planted in front of every parcel, in conformance with the City's Landscape Development Requirements and Policies. The proposed Planned District would also require the planting of drought tolerant vegetation in front yards and on-site bio-retention areas for storm water quality purposes.

Street Right-of-way Dedication and Improvements

Future subdivision of the project site would require dedication of right-of-way and installation of street improvements in accordance with the Subdivision Ordinance and Street Rights-of-way and Improvement Ordinance. Specific improvements would be identified upon approval of a Tentative Tract Map.

Grading and Drainage

The project site is relatively flat with a gradual slope from 218 feet above mean sea level in the southeast corner to 196 feet above mean sea level in the northwest corner. Future development would require minor grading to create the network of streets and homes and to achieve positive drainage. Approval of a Preliminary Grading Plan may be required if future site development is estimated to involve grading in excess of 10,000 cubic yards of material.

A natural drainage channel previously existed on the project site, but was completely filled by 1979. Future site development would require the removal and replacement of the fill in accordance with recommendations from a design level geotechnical report. This remedial grading can be done ahead of the subdivision if required.

Urban Runoff

The Municipal Regional Stormwater Permit (MRP) requires all new and redevelopment projects to incorporate measures to prevent pollutants from being conveyed in stormwater runoff and into the public storm drain system. Future development of the project site would be required to comply with the MRP by incorporating source controls and treatment measures into the project design. Since future development would involve creating or replacing more than one acre of impervious surface, mitigation for hydromodification would also be required. Area within the project site (Lots A-D, as shown in Exhibit "D") would be reserved for facilities to treat stormwater and mitigate hydromodification.

FINDINGS FOR APPROVAL:

In order to approve the proposed Planned District, the project must be found consistent with the General Plan and Zoning Ordinance. Based on the above analysis, staff finds the proposed Planned District is in conformance with the General Plan, and Zoning Ordinance. Pursuant to FMC Section 18.110.020(g), the Planning Commission may recommend approval of a City-initiated Planned District by making the following finding:

(1)The uniqueness of the size, shape, topography of the property or its relationship to adjacent parcels, historical character or landscaping features is such that the property can be best be developed as a P district.

The project site is located adjacent to a Planned District (P-2012-109) for a community of 42 single-family homes. Adoption of the proposed Planned District would ensure that the development intensity and pattern of the lots would be consistent with the adjacent development and that the new homes become a cohesive part of the community. The Regulations and Design Guidelines for the Planned District prescribe design elements and features consistent with visual character of the neighborhood.

The recommended finding above is also contained in Exhibit "E" enclosed.

CITY FEES:

This project will be subject to citywide Development Impact Fees. These fees may include fees for fire protection, capital facilities and traffic impact. Park dedication in-lieu fees and park facilities fees will also be applicable even though the project site was previously designated as park land. The City formally abandoned the 7-acre project site as park land in

2013, and replaced it with a 14.6-acre site on Isherwood Way. Therefore, the project site is no longer on the City's park land inventory and future development would be subject to park dedication in-lieu fees and park facilities fees like all other new residential projects in the City. All applicable fees shall be calculated and paid at the fee rates in effect at the time of building permit issuance. The applicant may elect to defer payment in accordance with the City's Impact Fee Deferral Program.

FISCAL IMPACT:

None.

ENVIRONMENTAL REVIEW:

An Initial Study (Informational Enclosure 1) and Draft Mitigated Negative Declaration (Exhibit B) have been prepared for this project. The environmental analysis identified concerns regarding potential significant impacts to air quality, biological resources, cultural resources, hazards and hazardous materials, and noise. The Draft Mitigated Negative Declaration includes mitigation measures, which, if implemented, would reduce the identified impacts to less-than-significant levels. A summary of the mitigation includes the following: dust control measures; biological surveys; protocols for discovery of archaeological or paleontological resources; preparation of a site specific environmental site assessment; and implementation of noise reducing design features.

These mitigation measures are conditions of approval for this project and are included in the Mitigation Monitoring and Reporting Program provided as part of "Exhibit B."

During the public comment period for the Draft Mitigated Negative Declaration, a comment letter was received from the Alameda County Water District (ACWD). Staff prepared a letter in response to the comments from ACWD and determined that no amendments to the Draft Mitigated Negative Declaration were necessary based on those comments. The comment and response letter are attached as Informational Enclosure 4.

After the end of the public comment period, staff substituted Mitigation Measure Cult-1 with a more effective mitigation measure for protection of archaeological resources during site grading activities. The existing mitigation measure establishes protocols for addressing archeological and paleontological resources encountered during site grading activities. The proposed substitution mitigation measure would add a requirement that a qualified archaeologist develop and implement a mechanical subsurface testing program for archaeological soils or artifacts prior to any site grading. Substitution of an existing mitigation measure with a more effective mitigation measure is permitted without recirculation pursuant to Section 15074.1 of the CEQA Guidelines.

ATTACHMENTS:

- Draft Ordinance- Palm Avenue Planned District
- Exhibit A - Finding for Substitution of Mitigation Measure Cult-1
- Exhibit B - Draft Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program
- Exhibit C - Rezoning Exhibit

- Exhibit D - PD Regulations and Design Guidelines
- Exhibit E - Finding and Conditions of Approval for Planned District P-2014-020
- Informational Enclosure 1 - Initial Study
- Informational Enclosure 2 - Project Site Information
- Informational Enclosure 3 - Mission Creek Development Site Plan
- Informational Enclosure 4 - CEQA Comment and Response Letters

RECOMMENDATION:

1. Hold public hearing.
2. Find that the proposed substitution mitigation measure shown in Exhibit "A" is more effective in mitigating potential significant impacts to archaeological resources and it will not in itself cause any potential significant impacts.
3. Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program as shown on Exhibit "B", and find on the basis of the whole record before it (including the Initial Study and any comments received) that there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the independent judgment and analysis of the City of Fremont.
4. Find that Planned District P-2014-020, as shown in Exhibit "C" (Rezoning Exhibit) and Exhibit "D" (Planned District Regulations and Design Guidelines) are in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan's Land Use, Community Character, Conservation, Safety and Mobility Elements as enumerated in the staff report.
5. Find that providing an outdoor Ldn of 60 dB(A) or lower cannot be achieved at some rear yard locations within the project site after the application of appropriate mitigations, and that an Ldn of 65 dB(A) is an acceptable maximum rear yard noise level for this project.
6. Find that the Planned District Rezoning Map, Regulations, and Design Guidelines, as depicted in Exhibit "B" (Rezoning Exhibit) and Exhibit "C" (Planned District Regulations and Design Guidelines) fulfill the applicable requirements set forth in the Fremont Municipal Code.
7. Introduce an ordinance approving a Rezoning from R-1-10 (Single-Family Residence District) to Planned District (P-2014-020), as depicted in Exhibit "C" (Rezoning Exhibit), and adopting Planned District Regulations and Design Guidelines, as shown in Exhibit "D" (Planned District Regulations and Guidelines), subject to the finding in Exhibit "E" (Planned District Finding).
8. Direct staff to prepare and the City Clerk to publish a summary of the ordinance.

3. Authorized the City Manager, or his designee, to execute Power Purchase Agreements with SunEdison for the Police Complex, Aqua Adventure Water Park, and the Irvington Community Center, consistent with the terms described in the staff report.

Ayes: Mayor Harrison, Vice Mayor Bacon,
Councilmembers: Natarajan, Chan and Salwan.
Noes: None
Absent: None
Abstain: None

B. Mayor Harrison opened consideration of a Public Hearing (Published Notice) to Consider the Planning Commission's Recommendation to Introduce an Ordinance for a City-Initiated Rezoning from R-1-10 (Single-Family Residence District) to Planned District P-2014-020 to allow the development of 31 single-family homes, and to consider a Draft Mitigated Negative Declaration prepared in accordance with the requirements of the California Environmental Quality Act (CEQA). (Palm Avenue Planned District - ±7 Acre Site Located Approximately 750 Feet East of Palm Avenue and North of Interstate I-680 - (PLN2014-00020))

*This item was added to the Consent Calendar.

On a motion by Councilmember Natarajan, seconded by Councilmember Salwan, the City Council:

1. Held public hearing.
2. Found that the proposed substitution mitigation measure shown in Exhibit "A" is more effective in mitigating potential significant impacts to archaeological resources and it will not in itself cause any potential significant impacts.
3. Adopted the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program as shown on Exhibit "B", and found on the basis of the whole record before it (including the Initial Study and any comments received) that there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the independent judgment and analysis of the City of Fremont.
4. Found that Planned District P-2014-020, as shown in Exhibit "C" (Rezoning Exhibit) and Exhibit "D" (Planned District Regulations and Design Guidelines) are in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan's Land Use, Community Character, Conservation, Safety and Mobility Elements as enumerated in the staff report.
5. Found that providing an outdoor Ldn of 60 dB(A) or lower cannot be achieved at some rear yard locations within the project site after the application of appropriate mitigations, and that an Ldn of 65 dB(A) is an acceptable maximum rear yard noise level for this project.
6. Found that the Planned District Rezoning Map, Regulations, and Design Guidelines, as depicted in Exhibit "B" (Rezoning Exhibit) and Exhibit "C" (Planned District

- Regulations and Design Guidelines) fulfill the applicable requirements set forth in the Fremont Municipal Code.
7. Introduced an ordinance approving a Rezoning from R-1-10 (Single-Family Residence District) to Planned District (P-2014-020), as depicted in Exhibit “C” (Rezoning Exhibit), and adopting Planned District Regulations and Design Guidelines, as shown in Exhibit “D” (Planned District Regulations and Guidelines), subject to the finding in Exhibit “E” (Planned District Finding).
 8. Directed staff to prepare and the City Clerk to publish a summary of the ordinance.

Ayes: Mayor Harrison, Vice Mayor Bacon,
Councilmembers: Natarajan, Chan and Salwan.
Noes: None
Absent: None
Abstain: None

C. Mayor Harrison opened consideration of a Public Hearing (Published Notice) to Consider a Resolution to Allow the Relocation of a Heliport Located on the Washington Hospital Campus Adjacent to the Fremont BART Station in the Central Community Plan Area. A Final Environmental Impact Report (EIR) was Previously Certified for the Washington Hospital Healthcare System 2010 to 2030 Site Master Plan (SCH#2006112056) and No Further Environmental Review is Required. (Washington Hospital Heliport Relocation - 2000 Mowry Avenue - (PLN2014-00168))

Staff responded to questions from Councilmembers. Mayor Harrison opened the public hearing. There were no speakers. Mayor Harrison closed the public hearing. Councilmembers provided comment.

On a motion by Councilmember Natarajan, seconded by Vice Mayor Bacon, the City Council:

1. Held public hearing.
2. Found, based on its own independent judgment, that the project is within the scope of the environmental impacts analyzed in the Environmental Impact Report (EIR) for the Washington Hospital Healthcare System 2010 to 2030 Site Master Plan certified and adopted by the Board of Directors of the Washington Township Health Care District on September 8, 2010 (SCH#2006112056), that none of the conditions requiring a new subsequent or a supplemental environmental impact report stated in Section 21166 of the Public Resources Code or in Sections 15162 and 15163 of the CEQA Guidelines are present as described in the staff report, and that therefore no further environmental review is necessary.
3. Found that the heliport relocation is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals, and policies set forth in the General Plan Land Use and Mobility Elements enumerated within the report.
4. Adopted Resolution No. 2014-35 allowing the heliport relocation as described in the staff report.